

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

Page 1 of 2

**DOCKET NO.:** 2007-1230-AIR-E **TCEQ ID:** RN100542281 **CASE NO.:** 34330**RESPONDENT NAME:** Equistar Chemicals, LP

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Channelview Complex, 8280 Sheldon Road, Channelview, Harris County</p> <p><b>TYPE OF OPERATION:</b> Chemical manufacturing plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No 2007-0493-AIR-E.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on March 10, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b> <b>TCEQ Attorney/SEP Coordinator:</b> Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 <b>TCEQ Enforcement Coordinator:</b> Ms. Rebecca Johnson, Enforcement Division, Enforcement Team 5, MC R-12, (713) 422-8931; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 <b>Respondent:</b> Mr. Denny W. Wiseman, Plant Manager, Equistar Chemicals, LP, 8280 Sheldon Road, Channelview, Texas 77530 <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> June 13, 2007 and July 2, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> July 18, 2007 (NOE)</p> <p><b>Background Facts:</b> These were record reviews.</p> <p><b>AIR</b></p> <p>1) Failed to prevent unauthorized emissions during an April 4, 2007 emissions event. Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [Air Permit No. 2128, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2) Failed to prevent unauthorized emissions during a January 8, 2007 emissions event. Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [Air Permit No. 2933, Special Condition No. 1, 30 TEX. ADMIN. CODE §§ 115.722(c)(1) and 116.115(c), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$20,000</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$10,000</p> <p><b>Total Paid to General Revenue:</b> \$10,000</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Orders Justification:</b> This case involves emissions which exceed levels that are protective of human health and environmental receptors.</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that on April 4, 2007 the Respondent removed the scan feature from the train operations radios and communications were redesigned to provide an uninterrupted communication channel for train operations.</p> <p><b>Ordering Provisions:</b></p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, install a safety interlock on the atmospheric motor-operated valve on DP Reactor R-4360B, which will be designed to prevent the recurrence of emissions events caused by the motor-operated valve opening inadvertently; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No 2.a.</p>

Additional ID No(s): HG0033B

**Attachment A**  
**Docket Number: 2007-1230-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Equistar Chemicals, LP</b>
<b>Payable Penalty Amount:</b>	<b>Twenty Thousand Dollars (\$20,000)</b>
<b>SEP Amount:</b>	<b>Ten Thousand Dollars (\$10,000)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Harris County Public Health and Environmental Services- Pollution Control Division's Fourier Transform Infra Red (FTIR) Project</b>
<b>Location of SEP:</b>	<b>Harris County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondent will contribute to Harris County Public Health and Environmental Services-Pollution Control Division's FTIR Project. This project includes the lease/contracting for services of air monitoring equipment, FTIR and other associated monitoring equipment, site preparation (including power and a shelter for the monitoring equipment), installation, operation and maintenance for a minimum of a two year period. Data validation management and reporting, and site closure and restoration will also be performed as a part of this project using methods approved by the TCEQ. The FTIR will analyze volatile organic compounds in ambient air. Harris County, in cooperation with the TCEQ, will establish Internet connectivity and automated data ingestion into the TCEQ LEADS system. SEP monies will fund the lease/contract for services of the FTIR and related equipment, site creation, preparation and installation of the FTIR, and the operation and maintenance of the FTIR site for a minimum of two years. SEP monies will also be used to pay for any equipment, software, and programming associated with establishing Internet connectivity and automated data ingestion.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

This SEP will provide significant and discernible environmental benefits to the Harris County area by



providing measurements of concentrations of certain air pollutants. The information obtained from this monitoring site will provide the community with more knowledge of the types and quantities of pollutants present in this industrialized area. Data obtained from the monitoring site, and made available to the public, may be used by the TCEQ, Environmental Protection Agency (EPA), scientists, local government and industry to reduce emissions, as appropriate. Because air quality is an important priority in the Harris County area, this project is focused on providing air quality data that may be used by the TCEQ, local programs, and other stakeholders to investigate and improve knowledge of any identified air quality concerns. Data from the project may be used to detect and track air emissions in near real-time to determine air pollution source locations for enforcement actions, permitting and regulatory decisions, potential future health effects studies and/or as part of a pollution program such as the Environmental Monitoring and Response System. The data also can be used by the TCEQ and the EPA to help determine if additional air quality problems that have not yet been detected exist in the Harris County area.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Mr. Chris Barry  
Harris County Pollution Control Division  
P.O. Box 6031  
Pasadena, Texas 77506

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.



Equistar Chemicals, LP  
Agreed Order – Attachment A

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.







# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

TCEQ

DATES	Assigned	23-Jul-2007	Screening	27-Jul-2007	EPA Due	13-Apr-2008
	PCW	8-Oct-2007				

## RESPONDENT/FACILITY INFORMATION

Respondent	Equistar Chemicals, LP		
Reg. Ent. Ref. No.	RN100542281		
Facility/Site Region	12-Houston	Major/Minor Source	Major

## CASE INFORMATION

Enf./Case ID No.	34330	No. of Violations	2
Docket No.	2007-1230-AIR-E	Order Type	Findings
Media Program(s)	Air	Enf. Coordinator	Rebecca Johnson
Multi-Media		EC's Team	5
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

## Penalty Calculation Section

### TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 **\$15,000**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **257%** Enhancement Subtotals 2, 3, & 7 **\$38,550**

Notes: Penalty enhancement due to 24 Notices Of Violations ("NOVs") issued for same or similar violations, 23 NOVs issued for unrelated violations, 15 self-reported effluent discharge violations, two agreed orders with a denial of liability, and one agreed order without a denial of liability. Penalty reduction due to four Notices of Audits submitted.

Culpability **No** **0%** Enhancement Subtotal 4 **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **0%** Reduction Subtotal 5 **\$0**

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

Total EB Amounts	\$107	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$4,000	*Capped at the Total EB \$ Amount		

### SUM OF SUBTOTALS 1-7

Final Subtotal **\$53,550**

### OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Adjustment **\$0**

Notes

Final Penalty Amount **\$53,550**

### STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty **\$20,000**

### DEFERRAL

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**0%** Reduction Adjustment **\$0**

Notes

No deferral is recommended for Findings Orders.

### PAYABLE PENALTY

**\$20,000**

Screening Date 27-Jul-2007

Docket No. 2007-1230-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 34330

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN100542281

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	24	120%
	Other written NOVs	38	76%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 257%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

Penalty enhancement due to 24 Notices Of Violations ("NOVs") issued for same or similar violations, 23 NOVs issued for unrelated violations, 15 self-reported effluent discharge violations, two agreed orders with a denial of liability, and one agreed order without a denial of liability. Penalty reduction due to four Notices of Audits submitted.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 257%

<b>Screening Date</b> 27-Jul-2007		<b>Docket No.</b> 2007-1230-AIR-E		<b>PCW</b>								
<b>Respondent</b> Equistar Chemicals, LP		<small>Policy Revision 2 (September 2002)</small>										
<b>Case ID No.</b> 34330		<small>PCW Revision June 26, 2007</small>										
<b>Reg. Ent. Reference No.</b> RN100542281												
<b>Media [Statute]</b> Air												
<b>Enf. Coordinator</b> Rebecca Johnson												
<b>Violation Number</b>		<div style="border: 1px solid black; padding: 2px;">1</div>										
<b>Rule Cite(s)</b>		<div style="border: 1px solid black; padding: 2px;">Air Permit No. 2128, Special Condition No. 1, 30 Tex. Admin. Code § 116.115(c), and Tex. Health &amp; Safety Code § 382.085(b)</div>										
<b>Violation Description</b>		<div style="border: 1px solid black; padding: 5px;">Failed to prevent unauthorized emissions. Specifically, during an April 4, 2007 emissions event 8,811 pounds ("lbs") of unauthorized 1,3-butadiene emissions were released from a rail car over a period of five minutes. Since the emissions event was avoidable, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.</div>										
<b>Base Penalty</b>				<div style="border: 1px solid black; padding: 2px;">\$10,000</div>								
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>												
OR	<table border="1" style="margin: auto;"> <tr> <td></td> <th colspan="3">Harm</th> </tr> <tr> <td></td> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> </table>					Harm				Major	Moderate	Minor
		Harm										
		Major	Moderate	Minor								
<b>Release</b>												
Actual	<div style="border: 1px solid black; padding: 2px;">x</div>			<b>Percent</b> <div style="border: 1px solid black; padding: 2px;">100%</div>								
Potential												
<b>&gt;&gt; Programmatic Matrix</b>												
	<table border="1" style="margin: auto;"> <tr> <td></td> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> </table>					Major	Moderate	Minor				
		Major	Moderate	Minor								
	<b>Falsification</b>											
				<b>Percent</b> <div style="border: 1px solid black; padding: 2px;">0%</div>								
<b>Matrix Notes</b>	<div style="border: 1px solid black; padding: 5px;">As a result of the violation the Houston-Galveston-Brazoria ozone nonattainment area has been exposed to over four tons of 1,3-butadiene which is a highly reactive volatile organic compound ("HRVOC") and a hazardous air pollutant.</div>											
<b>Adjustment</b>				<div style="border: 1px solid black; padding: 2px;">\$0</div>								
				<div style="border: 1px solid black; padding: 2px;">\$10,000</div>								
<b>Violation Events</b>												
<b>Number of Violation Events</b>		<div style="border: 1px solid black; padding: 2px;">1</div>	<b>Number of violation days</b>									
		<div style="border: 1px solid black; padding: 2px;">1</div>										
<small>mark only one with an x</small>	daily	<div style="border: 1px solid black; padding: 2px;">x</div>	<b>Violation Base Penalty</b> <div style="border: 1px solid black; padding: 2px;">\$10,000</div>									
	monthly											
	quarterly											
	semiannual											
	annual											
	single event											
One daily event is recommended.												
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>									
<b>Estimated EB Amount</b>		<div style="border: 1px solid black; padding: 2px;">\$0</div>	<b>Violation Final Penalty Total</b> <div style="border: 1px solid black; padding: 2px;">\$35,700</div>									
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<div style="border: 1px solid black; padding: 2px;">\$10,000</div>									

**Economic Benefit Worksheet****Respondent** Equistar Chemicals, LP**Case ID No.** 34330**Reg. Ent. Reference No.** RN100542281**Media** Air**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$3,000	4-Apr-2007	4-Apr-2007	0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to update and redesign the radio system to prevent the recurrence of emissions events caused by the rail car loading hoses inadvertently dislodging as a result of improper communication. Date required based on the date of the emissions event. Final date is the date all corrective actions were completed.

**Avoided Costs****ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs****Approx. Cost of Compliance****\$3,000****TOTAL****\$0**

Screening Date 27-Jul-2007

Docket No. 2007-1230-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 34330

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN100542281

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 2

Rule Cite(s) Air Permit No. 2933, Special Condition No. 1, 30 Tex. Admin. Code §§ 115.722(c)(1) and 116.115(c), and Tex. Health &amp; Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, during a January 8, 2007 emissions event the following unauthorized emissions were released from the Olefins 2 Flex/DP Reactor R4360B over a period of 15 minutes: 1,049 lbs of butene, 1,049 lbs of propylene, and 2,099 lbs of ethylene. Since the emissions event was avoidable, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 50%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

As a result of the violation the Houston-Galveston-Brazoria ozone nonattainment area has been exposed to over two tons of HRVOCs.

Adjustment \$5,000

\$5,000

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$5,000

One monthly event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$107

Violation Final Penalty Total \$17,850

This violation Final Assessed Penalty (adjusted for limits) \$10,000

**Economic Benefit Worksheet****Respondent** Equistar Chemicals, LP**Case ID No.** 34330**Reg. Ent. Reference No.** RN100542281**Media** Air**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	8-Jan-2007	21-Jul-2008	1.6	\$5	\$102	\$107
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to install a safety interlock on the atmospheric motor-operated valve on DP Reactor R-4360B to prevent the recurrence of emissions events caused by the motor-operated valve opening inadvertently. Date required based on the date of the emissions event. Final date is the projected date all corrective actions will be completed.

**Avoided Costs****ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs****Approx. Cost of Compliance**

\$1,000

**TOTAL**

\$107

# Compliance History

Customer/Respondent/Owner-Operator:	CN600124705 Equistar Chemicals, LP	Classification: AVERAGE	Rating: 2.55
Regulated Entity:	RN100542281 CHANNELVIEW COMPLEX	Classification: AVERAGE	Site Rating: 2.23

ID Number(s):		ACCOUNT NUMBER	
	AIR OPERATING PERMITS		HG0033B
	AIR OPERATING PERMITS	PERMIT	1426
	AIR OPERATING PERMITS	PERMIT	2174
	AIR OPERATING PERMITS	PERMIT	2175
	AIR OPERATING PERMITS	PERMIT	2176
	AIR OPERATING PERMITS	PERMIT	2177
	AIR OPERATING PERMITS	PERMIT	2178
	AIR OPERATING PERMITS	PERMIT	2179
	AIR OPERATING PERMITS	PERMIT	2180
	AIR OPERATING PERMITS	PERMIT	2181
	AIR OPERATING PERMITS	PERMIT	2182
	AIR OPERATING PERMITS	PERMIT	2183
	AIR OPERATING PERMITS	PERMIT	2184
	AIR OPERATING PERMITS	PERMIT	2185
	WASTEWATER	PERMIT	WQ0000391000
	WASTEWATER	PERMIT	TPDES0003531
	WASTEWATER	PERMIT	TX0003531
	AIR NEW SOURCE PERMITS	PERMIT	1768
	AIR NEW SOURCE PERMITS	PERMIT	2128
	AIR NEW SOURCE PERMITS	PERMIT	2933
	AIR NEW SOURCE PERMITS	PERMIT	2935
	AIR NEW SOURCE PERMITS	PERMIT	2936
	AIR NEW SOURCE PERMITS	PERMIT	3130A
	AIR NEW SOURCE PERMITS	PERMIT	3294
	AIR NEW SOURCE PERMITS	PERMIT	3627
	AIR NEW SOURCE PERMITS	PERMIT	6245
	AIR NEW SOURCE PERMITS	PERMIT	6387
	AIR NEW SOURCE PERMITS	PERMIT	8123
	AIR NEW SOURCE PERMITS	PERMIT	8125
	AIR NEW SOURCE PERMITS	PERMIT	10586
	AIR NEW SOURCE PERMITS	PERMIT	10700
	AIR NEW SOURCE PERMITS	PERMIT	10812
	AIR NEW SOURCE PERMITS	PERMIT	11735
	AIR NEW SOURCE PERMITS	PERMIT	12334
	AIR NEW SOURCE PERMITS	PERMIT	13849
	AIR NEW SOURCE PERMITS	PERMIT	15348
	AIR NEW SOURCE PERMITS	PERMIT	12341
	AIR NEW SOURCE PERMITS	PERMIT	22779
	AIR NEW SOURCE PERMITS	PERMIT	23079
	AIR NEW SOURCE PERMITS	PERMIT	24677
	AIR NEW SOURCE PERMITS	PERMIT	24887
	AIR NEW SOURCE PERMITS	PERMIT	30868
	AIR NEW SOURCE PERMITS	PERMIT	32324
	AIR NEW SOURCE PERMITS	PERMIT	32136
	AIR NEW SOURCE PERMITS	PERMIT	32629
	AIR NEW SOURCE PERMITS	PERMIT	33899
	AIR NEW SOURCE PERMITS	PERMIT	34036
	AIR NEW SOURCE PERMITS	PERMIT	34897
	AIR NEW SOURCE PERMITS	PERMIT	38750
	AIR NEW SOURCE PERMITS	PERMIT	42948
	AIR NEW SOURCE PERMITS	PERMIT	43770
	AIR NEW SOURCE PERMITS	PERMIT	45332
	AIR NEW SOURCE PERMITS	PERMIT	47487
	AIR NEW SOURCE PERMITS	PERMIT	50141
	AIR NEW SOURCE PERMITS	PERMIT	50142
	AIR NEW SOURCE PERMITS	PERMIT	50165
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0033B
	AIR NEW SOURCE PERMITS	PERMIT	52720
	AIR NEW SOURCE PERMITS	PERMIT	54098
	AIR NEW SOURCE PERMITS	AFS NUM	4820100075
	AIR NEW SOURCE PERMITS	REGISTRATION	56137
	AIR NEW SOURCE PERMITS	PERMIT	PSDTX991

AIR NEW SOURCE PERMITS	REGISTRATION	70323
AIR NEW SOURCE PERMITS	PERMIT	49120
AIR NEW SOURCE PERMITS	PERMIT	49130
AIR NEW SOURCE PERMITS	REGISTRATION	76017
AIR NEW SOURCE PERMITS	REGISTRATION	75881
AIR NEW SOURCE PERMITS	REGISTRATION	76313
AIR NEW SOURCE PERMITS	REGISTRATION	76277
AIR NEW SOURCE PERMITS	PERMIT	71143
AIR NEW SOURCE PERMITS	PERMIT	51727
AIR NEW SOURCE PERMITS	REGISTRATION	72713
AIR NEW SOURCE PERMITS	REGISTRATION	74110
AIR NEW SOURCE PERMITS	REGISTRATION	73859
AIR NEW SOURCE PERMITS	REGISTRATION	72948
AIR NEW SOURCE PERMITS	REGISTRATION	72946
AIR NEW SOURCE PERMITS	REGISTRATION	74051
AIR NEW SOURCE PERMITS	REGISTRATION	74374
AIR NEW SOURCE PERMITS	REGISTRATION	74563
AIR NEW SOURCE PERMITS	REGISTRATION	74162
AIR NEW SOURCE PERMITS	REGISTRATION	74181
AIR NEW SOURCE PERMITS	REGISTRATION	74944
AIR NEW SOURCE PERMITS	REGISTRATION	74949
AIR NEW SOURCE PERMITS	REGISTRATION	75322
AIR NEW SOURCE PERMITS	REGISTRATION	76778
AIR NEW SOURCE PERMITS	REGISTRATION	76791
AIR NEW SOURCE PERMITS	REGISTRATION	76651
AIR NEW SOURCE PERMITS	EPA ID	PSDTX993
AIR NEW SOURCE PERMITS	REGISTRATION	76666
AIR NEW SOURCE PERMITS	REGISTRATION	77318
AIR NEW SOURCE PERMITS	REGISTRATION	77619
AIR NEW SOURCE PERMITS	REGISTRATION	77640
AIR NEW SOURCE PERMITS	REGISTRATION	76693
AIR NEW SOURCE PERMITS	REGISTRATION	78024
AIR NEW SOURCE PERMITS	REGISTRATION	78069
AIR NEW SOURCE PERMITS	REGISTRATION	78114
AIR NEW SOURCE PERMITS	REGISTRATION	78128
AIR NEW SOURCE PERMITS	REGISTRATION	78108
AIR NEW SOURCE PERMITS	REGISTRATION	77631
AIR NEW SOURCE PERMITS	REGISTRATION	78278
AIR NEW SOURCE PERMITS	REGISTRATION	78343
AIR NEW SOURCE PERMITS	REGISTRATION	78191
AIR NEW SOURCE PERMITS	REGISTRATION	78252
AIR NEW SOURCE PERMITS	REGISTRATION	78560
AIR NEW SOURCE PERMITS	REGISTRATION	78173
AIR NEW SOURCE PERMITS	REGISTRATION	78197
AIR NEW SOURCE PERMITS	REGISTRATION	78772
AIR NEW SOURCE PERMITS	REGISTRATION	78381
AIR NEW SOURCE PERMITS	REGISTRATION	78819
AIR NEW SOURCE PERMITS	REGISTRATION	78599
AIR NEW SOURCE PERMITS	REGISTRATION	78978
AIR NEW SOURCE PERMITS	REGISTRATION	79261
AIR NEW SOURCE PERMITS	REGISTRATION	79431
AIR NEW SOURCE PERMITS	REGISTRATION	79460
AIR NEW SOURCE PERMITS	REGISTRATION	79892
AIR NEW SOURCE PERMITS	REGISTRATION	79647
AIR NEW SOURCE PERMITS	REGISTRATION	79712
AIR NEW SOURCE PERMITS	REGISTRATION	80449
AIR NEW SOURCE PERMITS	REGISTRATION	80296
AIR NEW SOURCE PERMITS	REGISTRATION	80137
AIR NEW SOURCE PERMITS	REGISTRATION	79938
AIR NEW SOURCE PERMITS	REGISTRATION	80914
AIR NEW SOURCE PERMITS	REGISTRATION	80689
AIR NEW SOURCE PERMITS	REGISTRATION	80597
AIR NEW SOURCE PERMITS	REGISTRATION	81543
AIR NEW SOURCE PERMITS	REGISTRATION	81190
AIR NEW SOURCE PERMITS	REGISTRATION	81189
AIR NEW SOURCE PERMITS	REGISTRATION	81759
AIR NEW SOURCE PERMITS	REGISTRATION	81636
AIR NEW SOURCE PERMITS	REGISTRATION	81630
AIR NEW SOURCE PERMITS	REGISTRATION	82226



AIR NEW SOURCE PERMITS	REGISTRATION	81716
AIR NEW SOURCE PERMITS	REGISTRATION	81930
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD058275769
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30030
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50117
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50117
UNDERGROUND INJECTION CONTROL	PERMIT	WDW036
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011578
WATER LICENSING	LICENSE	1011578
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30030

Location: 8280 SHELTON RD, CHANNELVIEW, TX, 77530 Rating Date: September 01 06 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: July 25, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 23, 2002 to July 23, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Rebecca Johnson Phone: (713) 422-8931

#### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

#### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

**Effective Date: 11/02/2002**

**ADMINORDER 2001-1516-AIR-E**

Classification: Moderate

Citation: 40 CFR Part 61, Subpart FF 61.342(c)(1)(ii)  
40 CFR Part 61, Subpart FF 61.343(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to prevent unauthorized emissions as a result of a spill from a permitted tank.

**Effective Date: 04/13/2003**

**ADMINORDER 1999-1410-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to have the required vapor recovery system or submerged fill pipe at the time of inspection on Tank No. 6901 in VOC service.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.216(4)(B)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to keep copies of each marine vessel's certification of annual vapor tightness tests for marine loading operations at the Plant.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.356(1)(F)  
30 TAC Chapter 115, SubChapter D 115.356(3)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to maintain calibration records for VOC monitoring instruments for two years. Calibration records from the first, second and fourth quarters of 1997 and the first quarter of 1998 were unavailable.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT W 61.275(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit results of seal inspections for Tanks 3111A, 3111B, 3113 and 4916 w/i 60 days after Equistar completed the seal inspections on April 21 thru April 27, 1998.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
40 CFR Part 60, Subpart Kb 60.115b(b)(2)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit a seal inspection report for Tank No. 4922 and Tank No. 33 within 60 days of inspection.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)[G]  
30 TAC Chapter 115, SubChapter D 115.355(1)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-2(a)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(f)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.245(b)

40 CFR Part 60, Subpart VV 60.482-2[G]

40 CFR Part 60, Subpart VV 60.482-7[G]

40 CFR Part 61, Subpart V 61.242-7(a)

40 CFR Part 61, Subpart V 61.245(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to properly monitor fugitive emissions for several units, including the Olefins Plant I and Tank Farm, Olefins Plant II and Tank Farm, Butadiene Plants E and W, Barge Dock, Benzene/Toluene Unit, East Tank Farm, LMTBE Unit and the MeOH Unit.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(2)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to perform seal gap measurements on Tanks TK-26, TK-3115, TK-3112, and TK-4921 on an annual basis in 1998.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.0518[G]  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit notification as required by Standard Exemption 106 (effective August 25, 1986) when the 1200 Unit was modified to produce a new product.

Effective Date: 12/02/2006

ADMINORDER 2006-0515-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: S.C. 1 PERMIT

Description: Failure to prevent the release of unauthorized emissions from an aboveground storage tank pressure safety valve.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	07/23/2002	(156285)
2	07/31/2002	(5089)
3	08/01/2002	(4981)
4	08/02/2002	(6606)
5	08/06/2002	(7028)
6	08/06/2002	(7144)

7	08/06/2002	(7204)
8	08/06/2002	(7234)
9	08/07/2002	(7141)
10	08/08/2002	(2391)
11	08/09/2002	(2626)
12	08/09/2002	(7549)
13	08/09/2002	(4157)
14	08/09/2002	(5980)
15	08/09/2002	(2387)
16	08/12/2002	(6957)
17	08/13/2002	(7700)
18	08/16/2002	(5841)
19	08/19/2002	(8124)
20	08/21/2002	(156288)
21	08/22/2002	(5939)
22	08/22/2002	(5772)
23	08/27/2002	(7197)
24	08/28/2002	(8742)
25	08/30/2002	(10526)
26	08/30/2002	(10522)
27	09/04/2002	(8299)
28	09/10/2002	(10385)
29	09/18/2002	(11434)
30	09/23/2002	(156291)
31	10/21/2002	(156294)
32	11/25/2002	(156298)
33	11/27/2002	(14344)
34	12/19/2002	(156302)
35	12/27/2002	(15704)
36	12/30/2002	(17670)
37	01/02/2003	(18051)
38	01/09/2003	(16679)
39	01/21/2003	(156306)
40	01/30/2003	(23340)
41	02/05/2003	(23369)
42	02/24/2003	(4858)
43	02/24/2003	(156266)
44	02/26/2003	(20471)
45	03/07/2003	(20710)
46	03/07/2003	(9862)
47	03/18/2003	(20944)
48	03/24/2003	(156269)
49	04/11/2003	(24878)
50	04/11/2003	(24871)
51	04/11/2003	(24868)
52	04/13/2003	(31335)
53	04/22/2003	(156274)
54	04/23/2003	(33871)
55	04/25/2003	(33319)
56	04/25/2003	(28077)
57	05/07/2003	(27054)
58	05/08/2003	(35681)
59	05/15/2003	(282930)
60	05/19/2003	(36187)
61	05/23/2003	(156278)
62	06/13/2003	(38138)
63	06/18/2003	(38117)
64	06/24/2003	(156282)
65	06/27/2003	(114332)
66	07/08/2003	(114317)
67	07/08/2003	(114279)
68	07/08/2003	(114581)
69	07/08/2003	(114388)
70	07/11/2003	(38147)
71	07/11/2003	(112449)
72	07/23/2003	(294649)
73	08/04/2003	(64101)

74	08/06/2003	(147467)
75	08/06/2003	(147338)
76	08/12/2003	(148968)
77	08/12/2003	(148934)
78	08/12/2003	(112317)
79	08/12/2003	(148923)
80	08/14/2003	(149856)
81	08/14/2003	(149867)
82	08/14/2003	(141032)
83	08/14/2003	(149824)
84	08/19/2003	(149893)
85	08/19/2003	(149887)
86	08/19/2003	(149908)
87	08/22/2003	(149977)
88	08/25/2003	(149897)
89	08/25/2003	(294651)
90	08/25/2003	(151586)
91	08/25/2003	(151756)
92	08/25/2003	(151765)
93	08/27/2003	(152697)
94	08/27/2003	(13764)
95	08/29/2003	(152195)
96	08/29/2003	(152183)
97	08/31/2003	(134179)
98	08/31/2003	(134175)
99	10/01/2003	(249301)
100	10/01/2003	(249144)
101	10/01/2003	(249012)
102	10/01/2003	(249172)
103	10/01/2003	(248879)
104	10/01/2003	(248981)
105	10/01/2003	(248243)
106	10/03/2003	(249082)
107	10/07/2003	(250145)
108	10/17/2003	(294653)
109	10/23/2003	(294655)
110	11/05/2003	(254238)
111	11/18/2003	(294656)
112	12/29/2003	(294657)
113	01/23/2004	(294658)
114	02/24/2004	(294639)
115	03/15/2004	(255945)
116	03/22/2004	(294642)
117	03/23/2004	(263250)
118	03/23/2004	(263160)
119	03/23/2004	(263194)
120	03/23/2004	(263154)
121	03/24/2004	(256278)
122	04/14/2004	(264758)
123	04/15/2004	(453160)
124	04/23/2004	(294643)
125	05/19/2004	(270464)
126	05/24/2004	(294645)
127	06/08/2004	(270126)
128	06/21/2004	(294647)
129	06/30/2004	(273943)
130	06/30/2004	(271411)
131	06/30/2004	(274359)
132	06/30/2004	(274423)
133	07/09/2004	(278834)
134	07/13/2004	(260492)
135	07/19/2004	(260586)
136	07/25/2004	(351828)
137	07/29/2004	(263469)
138	08/04/2004	(280108)
139	08/04/2004	(280174)
140	08/11/2004	(284585)

141	08/13/2004	(277268)
142	08/23/2004	(259476)
143	08/24/2004	(351829)
144	08/27/2004	(265746)
145	08/27/2004	(269133)
146	08/27/2004	(265803)
147	08/27/2004	(266244)
148	08/29/2004	(268291)
149	08/31/2004	(276264)
150	08/31/2004	(271963)
151	08/31/2004	(272796)
152	08/31/2004	(274451)
153	09/01/2004	(286398)
154	09/01/2004	(289083)
155	09/01/2004	(289240)
156	09/10/2004	(273388)
157	09/16/2004	(263553)
158	09/23/2004	(351830)
159	10/25/2004	(351831)
160	10/25/2004	(351833)
161	11/01/2004	(285942)
162	11/03/2004	(334297)
163	11/05/2004	(334314)
164	11/05/2004	(334310)
165	11/05/2004	(334308)
166	11/11/2004	(292333)
167	11/11/2004	(292452)
168	11/14/2004	(275792)
169	11/22/2004	(293289)
170	11/22/2004	(339105)
171	11/22/2004	(339107)
172	11/23/2004	(334387)
173	11/23/2004	(351832)
174	11/23/2004	(334429)
175	11/29/2004	(274800)
176	12/06/2004	(275639)
177	12/06/2004	(341908)
178	12/09/2004	(343543)
179	12/14/2004	(339112)
180	12/15/2004	(339111)
181	12/27/2004	(381708)
182	12/27/2004	(276826)
183	12/28/2004	(343601)
184	01/03/2005	(286756)
185	01/03/2005	(339113)
186	01/04/2005	(339104)
187	01/05/2005	(339108)
188	01/07/2005	(339103)
189	01/10/2005	(343232)
190	01/12/2005	(346553)
191	01/18/2005	(336265)
192	02/10/2005	(349636)
193	02/10/2005	(349316)
194	02/10/2005	(349111)
195	02/10/2005	(337111)
196	02/10/2005	(349267)
197	02/11/2005	(336418)
198	02/11/2005	(336433)
199	02/11/2005	(336438)
200	02/17/2005	(343594)
201	02/23/2005	(381706)
202	02/25/2005	(345588)
203	03/03/2005	(339106)
204	03/22/2005	(381707)
205	03/28/2005	(375234)
206	03/28/2005	(375220)
207	03/28/2005	(375212)

208	03/31/2005	(373125)
209	04/06/2005	(375076)
210	04/18/2005	(375016)
211	04/20/2005	(376147)
212	04/20/2005	(372583)
213	04/22/2005	(346277)
214	04/25/2005	(377509)
215	05/03/2005	(419501)
216	05/24/2005	(419502)
217	06/14/2005	(393497)
218	06/21/2005	(419503)
219	06/22/2005	(381407)
220	06/22/2005	(392621)
221	06/23/2005	(378466)
222	06/23/2005	(378454)
223	07/15/2005	(395098)
224	07/18/2005	(392902)
225	07/22/2005	(392487)
226	07/22/2005	(381313)
227	07/22/2005	(392651)
228	07/22/2005	(394428)
229	07/25/2005	(440656)
230	07/26/2005	(399215)
231	08/05/2005	(381400)
232	08/05/2005	(392610)
233	08/05/2005	(393207)
234	08/11/2005	(404370)
235	08/11/2005	(404367)
236	08/11/2005	(404342)
237	08/11/2005	(404321)
238	08/12/2005	(399221)
239	08/15/2005	(404957)
240	08/23/2005	(440657)
241	08/24/2005	(406415)
242	08/26/2005	(372787)
243	08/29/2005	(406161)
244	09/13/2005	(431694)
245	10/24/2005	(440658)
246	10/26/2005	(440659)
247	11/15/2005	(434603)
248	11/18/2005	(437299)
249	11/22/2005	(468155)
250	11/28/2005	(468154)
251	12/01/2005	(435325)
252	12/08/2005	(434728)
253	12/19/2005	(438915)
254	12/21/2005	(468156)
255	02/15/2006	(455481)
256	02/22/2006	(450109)
257	02/24/2006	(451477)
258	02/27/2006	(468153)
259	02/28/2006	(451452)
260	02/28/2006	(451480)
261	02/28/2006	(451788)
262	02/28/2006	(451483)
263	02/28/2006	(451494)
264	03/13/2006	(454890)
265	03/23/2006	(498017)
266	03/24/2006	(457373)
267	03/28/2006	(453139)
268	03/29/2006	(459500)
269	03/31/2006	(455940)
270	04/24/2006	(498018)
271	04/28/2006	(462755)
272	05/16/2006	(463873)
273	05/23/2006	(498019)
274	05/23/2006	(466508)

275	05/24/2006	(465260)
276	05/31/2006	(480441)
277	05/31/2006	(480422)
278	05/31/2006	(480433)
279	05/31/2006	(480405)
280	05/31/2006	(480427)
281	05/31/2006	(480444)
282	06/21/2006	(498020)
283	06/26/2006	(464019)
284	06/30/2006	(483427)
285	07/07/2006	(484895)
286	07/17/2006	(464664)
287	07/17/2006	(460500)
288	07/19/2006	(480415)
289	07/20/2006	(486401)
290	07/24/2006	(520033)
291	07/28/2006	(484749)
292	08/04/2006	(339110)
293	08/15/2006	(482128)
294	08/15/2006	(481194)
295	08/15/2006	(489890)
296	08/16/2006	(457265)
297	08/21/2006	(520034)
298	09/01/2006	(510768)
299	09/05/2006	(486742)
300	09/25/2006	(520035)
301	10/04/2006	(488324)
302	10/24/2006	(544282)
303	11/21/2006	(516667)
304	11/27/2006	(544283)
305	11/30/2006	(531615)
306	12/11/2006	(519152)
307	12/19/2006	(544284)
308	12/29/2006	(535494)
309	01/23/2007	(544285)
310	01/30/2007	(538091)
311	01/31/2007	(537102)
312	01/31/2007	(517108)
313	01/31/2007	(537091)
314	01/31/2007	(537099)
315	02/08/2007	(538420)
316	02/22/2007	(485046)
317	02/27/2007	(532597)
318	03/21/2007	(532595)
319	04/05/2007	(532607)
320	04/10/2007	(532608)
321	04/12/2007	(541831)
322	04/12/2007	(554839)
323	04/23/2007	(539454)
324	06/27/2007	(560042)
325	07/18/2007	(556815)
326	07/18/2007	(566602)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

**Date:** 07/31/2002 (156288)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

**Date:** 09/30/2002 (156294)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

**Date:** 10/31/2002 (156298)

Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
<b>Date:</b>	<b>01/27/2003</b>		(15704)
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter F 101.222(b)(2) 30 TAC Chapter 116, SubChapter B 116.115(b)(2)[G]		
Description:	Failure to control emissions.		
<b>Date:</b>	<b>01/31/2003</b>		(156266)
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
<b>Date:</b>	<b>02/10/2003</b>		(24871)
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter F 101.222(b)(2) 30 TAC Chapter 116, SubChapter B 116.115(b)(1)		
Description:	Failure to prevent unauthorized emissions.		
<b>Date:</b>	<b>02/28/2003</b>		(156269)
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
<b>Date:</b>	<b>03/07/2003</b>		(9862)
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.7(b)(1)(G) 30 TAC Chapter 101, SubChapter A 101.7(c)(7)		
Description:	Failure to document the actions taken to minimize emissions in both the initial and final notification records for a start-up event on 02/16/2002.		
<b>Date:</b>	<b>03/31/2003</b>		(156274)
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
<b>Date:</b>	<b>04/11/2003</b>		(24868)
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter F 101.222(b)(3) 30 TAC Chapter 116, SubChapter B 116.115(b)(1)		
Description:	Failure to prevent unauthorized emissions.		
<b>Date:</b>	<b>04/30/2003</b>		(156278)
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
<b>Date:</b>	<b>05/31/2003</b>		(156282)
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
<b>Date:</b>	<b>07/31/2003</b>		(294651)
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
<b>Date:</b>	<b>08/31/2003</b>		(294653)
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		



Description:	TWC Chapter 26 26.121(a)[G] Failure to meet the limit for one or more permit parameter	
<b>Date:</b>	<b>09/30/2003</b>	(294655)
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
<b>Date:</b>	<b>10/01/2003</b>	(248879)
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)	
Description:	Failure to comply with the MAERT limit for EPN: 44E10.	
<b>Date:</b>	<b>10/01/2003</b>	(248243)
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)	
Description:	Failure to comply with the MAERT limit.	
<b>Date:</b>	<b>10/01/2003</b>	(249082)
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.116(a)(1) 5C THC Chapter 382, SubChapter A 382.085(b)	
Description:	Failure to torque the flange properly.	
<b>Date:</b>	<b>10/01/2003</b>	(249144)
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)	
Description:	Failure to comply with the MAERT limit for EPN 17E01	
<b>Date:</b>	<b>10/01/2003</b>	(249301)
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)	
Description:	Failure to comply with permit limit for VOC, CO and NO (EPN: 48E01).	
<b>Date:</b>	<b>10/01/2003</b>	(249012)
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)	
Description:	Failure to comply with the MAERT limit for EPN 6E07.	
<b>Date:</b>	<b>10/01/2003</b>	(249172)
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 101, SubChapter F 101.201(a)(1)[G]	
Description:	Failure to submit the initial report within 24 hours.	
<b>Date:</b>	<b>10/01/2003</b>	(248981)
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.116(a)(1) 5C THC Chapter 382, SubChapter A 382.085(b)	
Description:	Failure to comply with the state rule 30 TAC 116.116(a)(1).	
<b>Date:</b>	<b>02/29/2004</b>	(294642)
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
<b>Date:</b>	<b>07/13/2004</b>	(260492)
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov:	PERMIT TCEQ AIR PERMIT #1768, SC #1	
Description:	Exceeded VOC emissions limits during an avoidable emissions event.	
<b>Date:</b>	<b>07/19/2004</b>	(260586)
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(b)(4) 5C THC Chapter 382, SubChapter A 382.085(b)	
Description:	Failed to identify the facility name in an emissions event notification.	

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(g)  
Description: Equistar failed to submit an electronic final emissions event notification.  
Date: 07/28/2004 (259476)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Exceeded permit limits during an avoidable emissions event.  
Date: 08/11/2004 (263553)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)  
30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failed to speciate VOC in the Initial Notification and Final Report submitted for an avoidable emissions event.  
Date: 08/27/2004 (265746)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
Description: Equistar failed to properly complete and submit an emissions event notification.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Equistar exceeded permit limits during an avoidable emissions event.  
Date: 08/29/2004 (268291)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Equistar exceeded VOC permit limit.  
Date: 08/31/2004 (272796)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failed to submit administratively complete emissions event notifications.  
Date: 08/31/2004 (271963)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.211(a)(1)(F)  
30 TAC Chapter 101, SubChapter F 101.211(b)(5)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
Description: Equistar was not in compliance with the maintenance, startup, and shutdown rules.  
Date: 10/31/2004 (351832)

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter  
Date: 12/27/2004 (276826)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: PERMIT TCEQ Air Permit No. 2933, GC #8  
Description: Exceeded permit limits during an avoidable emissions event.  
Date: 01/03/2005 (286756)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: PERMIT 22779  
Description: Equistar failed to prevent an avoidable emissions event.

**Date:** 01/04/2005 (339104)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Equistar failed to prevent an avoidable emissions event.

**Date:** 01/10/2005 (343232)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(ii)  
Description: Failure to provide an adequate ground storage capacity.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(v)  
Description: Failure to provide a minimum pressure tank capacity of 220 gallons.

**Date:** 04/20/2005 (372583)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(g)  
Description: Equistar failed to submit the Final Report electronically.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: PERMIT Permit No. 22779, Special Condition No.1  
Description: Equistar failed to prevent an avoidable emissions event.

**Date:** 08/05/2005 (381400)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(ii)(II)  
Description: Failure to test within 60 days following installation of NOx control equipment on furnace 3403.

**Date:** 08/05/2005 (393207)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(ii)(II)  
Description: Failure to test within 60 days following installation of NOx control equipment on Furnace 4406.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(ii)(II)  
Description: Failure to test within 60 days following installation of NOx control equipment on F4410.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(ii)(II)  
Description: Failure to test within 60 days following installation of NOx control equipment on Furnace 4401.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(ii)(II)  
Description: Failure to test within 60 days following installation of NOx control equipment on Furnace 3401.

**Date:** 08/05/2005 (392610)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(ii)(II)  
Description: Failure to test within 60 days following installation of NOx control equipment on Furnace 4404.

**Date:** 08/10/2005 (404514)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: PERMIT TCEQ Permit #2128, GC #8  
Description: Failure to prevent a leak in Tower T-301.

**Date:** 09/13/2005 (431694)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(ii)  
Description: Failure to provide an adequate ground storage capacity.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(v)  
Description: Failure to provide a minimum pressure tank capacity of 220 gallons.

**Date:** 11/18/2005 (437299)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: PERMIT 3130A, SC No. 4  
OP 002179, ST&C No. 10  
Description: Failure to operate within pumping rates of Polyols(KOH) and (IMPACT).  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter B 117.213(a)[G]  
Description: Failure to install the totalizing fuel flow meter on EGBVC6904.

**Date:** 12/08/2005 (434728)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter C 122.222(k)(3)  
Description: Failure to submit the off-permit notification for claiming the permit by rule for flare emissions.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(6)  
Description: Failure to register the PBR within 10 of increase in flare emissions.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 115, SubChapter D 115.352[G]  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1(a)  
Rqmt Prov: PERMIT 49130, S.C. No.5  
OP O-02180, S.C No.1A  
Description: Failure to follow the fugitive monitoring for 172 valves and 5 pumps in the Isopropanol Unit  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.354(5)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: OP O-02180, SC. 1.A  
Description: Failure to have required information on tags attached to visual fugitive leaks  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
Rqmt Prov: PERMIT 49130, SC 5.E  
OP O-02180, SC 1.A  
Description: Failure to cap or plug the five open-ended lines in VOC service  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: PERMIT 49130, S.C 7  
OP O-02180, S.C 11  
Description: Failure to follow the procedure described in Appendix P, Section 5.5.1 for monitoring the cooling tower (CT-2401) as required by the permit condition  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
Description: Failure to report the deviations regarding the cooling tower monitoring in the deviation reports

**Date:** 12/19/2005 (438915)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter C 122.210(a)  
Description: Failure to submit the federal operating permit (O-02177) minor revision application concurrent with the permit amendment issued on July 26, 2005 and permit by rules claimed in 1997 and 2002.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: PERMIT 22779, SC 1  
OP O-02177, STC 10  
Description: Failure to operate tanks and loading arms within maximum allowable emission rates as permitted in the NSR permit 22779.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: PERMIT 22779, SC 8

Description: OP O-02177, STC 10  
 Failure to initiate the fugitive monitoring for 22 valves and 3 pumps in the Polybutadiene Unit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT 22779, SC 8.E  
 OP O-02177, STC 10

Description: Failure to cap or plug the five open-ended lines in VOC service

**Date: 12/31/2005 (440659)**

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

**Date: 02/22/2006 (450109)**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT 24887 SC1.E  
 OP O02176, SC 15

Description: Failure to cap or plug the eighty five (85) open-ended lines in VOC service

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)  
 30 TAC Chapter 122, SubChapter C 122.222(k)(3)

Description: Failure to register the PBRs 106.261 and 106.262 within 10 days of addition of a flare analyzer and failure to make off-permit notification concurrently.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.142(b)(2)(B)[G]

Description: Failure to represent the several sources that are subject to 30 TAC 111 rules in the Title V Operating Permit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT 24887, SC 1  
 OP O02176, SC 15

Description: Failure to include 19 valves and 39 connectors associated with sample systems and failure to include 5 pumps, 38 valves, 104 connectors, and 4 sample points in the fugitive monitoring database.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.142[G]  
 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP O02176, SC 5

Description: Failure to control the wastewater streams as required by 30 TAC 115.142.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(5)

Rqmt Prov: OP O02176, SC 1.A

Description: Failure to make the tank seal inspection notification 30 days in advance.

**Date: 02/28/2006 (451788)**

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Rqmt Prov: PA NSR Permit No. 8125, SC 6E

Description: Failure to plug two open-ended-lines.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.213(a)

Description: Failure to install fuel flow meter on Diesel Engine, P-3314.

Self Report? NO Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)

Description: Failure to include compressor information in the HON Subpart H Semiannual report.

Self Report? NO Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(a)

Description: Failure to maintain appropriate records of 220 connectors, 6 instrument systems, 4 PSVs, 2 pumps, and 101 valves.

Date: 03/24/2006 (457373)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(ii)

Description: Failure to provide an adequate ground storage capacity.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(v)

Description: Failure to provide a minimum pressure tank capacity of 220 gallons.

Date: 03/28/2006 (453139)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PA NSR Permit No 2936, SC 10E

OP O-02182 Special Terms and Condition 15

Description: Failed to plug 20 open-ended lines.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)

30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter C 122.222(k)(2)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP O-02181 General Terms and Condition

Description: The facility failed to register two tanks and one cooling tower within ten (10) days of change as required during August 19, 2004 through November 22, 2004.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP O-02182 General Terms and Condition

Description: Failure to include compressor information in the HON Subpart H semiannual report for the reporting period from February 28, 2005 through August 19, 2005.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PA Special Condition No. 10F

OP Special Terms and Condition 15

Description: failure to monitor 59 valves that were marked as unsafe to monitor during the third quarter of 2004 from August 19, 2004 through September 30, 2004.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(5)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP General Terms and Condition

Description: failure to put identification number for the leaking fugitive valves during August 19, 2004 through August 19, 2005.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP Special Terms and Condition 15

Description: failure to include 89 connectors, 27 valves, and 19 pumps in the fugitive monitoring program during the third quarter of 2004 from August 19, 2004 through September 30, 2004.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP General Terms and Condition

Description: failure to obtain a permit by rule (PBR) for the emission point no. SP-4010.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP General Terms and Conditions

Description: failure to seal the external floating roof tank, TK-3112. The gasket on the rim vent was missing.

Self Report? NO

Classification: Moderate

Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PA SC No 1 of NSR Permit No. 2936. OP Special Terms and Conditions 15		
Description:	failure to obtain appropriate authorization for storing hydrocarbons for the tanks, TK-3113 and TK-3114.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PA Special Condition 1 OP Special Terms and Condition 15		
Description:	failure to comply with the pounds per hour of VOC emission limit for tank No. TK-4002 of TCEQ Air Permit 2936.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.110(a)(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	OP General Terms and Conditions		
Description:	failure to obtain a permit by rule (PBR) for the analyzer vent.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.132(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Failure to include all the emission authorizations for the cooling tower were not represented in the title V permit.		
 <b>Date: 03/29/2006 (459500)</b>			
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT TCEQ Permit No. 2128		
Description:	Failure to prevent the release of unauthorized emissions from a railroad tank car PSV.		
 <b>Date: 03/31/2006 (455940)</b>			
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.142(b)(2)[G] 5C THC Chapter 382, SubChapter D 382.085(b)		
Description:	Failure to represent the two sources that are subject to 30 TAC 111 rules in the Title V Operating Permit O-02175.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 6245, SC 1 OP O02175, STC 10		
Description:	Failure to operate tanks (TK30 & TK31) within maximum allowable emission rates as permitted in the NSR permit 6245.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 6245, SC 7.E OP O02175, STC 10 OP O02175, STC 1A		
Description:	Failure to cap or plug the thirty-eight (38) open-ended lines in VOC service (C5 recovery unit).		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-5(a) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O02175, STC 1A		
Description:	Failure to equip the dimer drum feed sampling connection system with closed loop.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 115, SubChapter D 115.354(5)		

30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(b)(1)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP 002175, STC 1A  
 Description: Failure to have required information on tags attached to visual fugitive leaks  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 115, SubChapter D 115.352[G]  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1(a)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 6245, SC 7  
 OP 002175, STC 10  
 OP 002175, STC 1A  
 Description: Failure to include 2 pumps, 32 valves, and 103 connectors in the C5 recovery unit in fugitive monitoring database.

**Date:** 05/16/2006 (463873)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PERMIT TCEQ Permit No. 2128  
 Description: Failure to prevent the release of unauthorized emissions from a leaking pipeline due to the removal of a blind.

**Date:** 05/24/2006 (465260)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.142(b)(2)[G]  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Description: Failure to correctly represent the HON storage vessel provisions, HON container provisions, and 30 TAC 111 rules in the Title V Operating Permit O-02185.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Part 63, Subpart G 63.119(c)(2)(ii)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: OP O-02185, STC 16  
 OP O-02185, STC 1A  
 PERMIT Permit 6387, SC 2  
 Description: Failure to equip gasket on sample hatch cover and failure to have physical fasteners on float well cover on external floating roof tank (Tank 26).  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Part 63, Subpart G 63.119(b)(6)  
 Rqmt Prov: PERMIT 6387, SC 2  
 OP O-02185, STC 16  
 OP O-02185, STC 1A  
 Description: Failure to cover all the openings on internal floating roof tanks: Tank 37 and Tank 47 and failure to have physical fasteners on float well covers on internal floating roof tanks: Tank 37, 48, and 49.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Part 63, Subpart G 63.119(b)(1)[G]  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: PERMIT 6387, SC 2  
 OP O-02185, STC 1A  
 OP O-02185, STC 16  
 Description: Failure to keep the floating roof of Tank 47 always in contact with liquid surface during the regular operations.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: PERMIT 6387, SC 4.A  
 OP O-02185, STC 16  
 Description: Failure to obtain authorization for the analyzer vents in the MTBE Unit.



Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 6387, SC 2 OP O-02185, STC 1.A OP O-02185, STC 16		
Description:	Failure to cap or plug the sixty-one (61) open-ended lines in VOC service in MTBE Unit.		

  

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.354(5) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-02185, STC 1.A		
Description:	Failure to have required information on tags attached to visual fugitive leaks in the MTBE Unit.		

  

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352[G] 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(a)[G] 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 6387, SC 5 OP O-02185, STC 1.A OP O-02185, STC 16		
Description:	Failure to include 2 valves in the MTBE Unit in fugitive monitoring database and comply with the fugitive monitoring requirements.		

  

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter B 115.142[G] 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-02185, SC 5		
Description:	Failure to control the one wastewater stream (T-1215) as required by 30 TAC 115.142 in MTBE Unit.		

  

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(C) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(9)		
Rqmt Prov:	PERMIT 6387, SC 2 OP O-02185, STC 1.A OP O-02185, STC 16		
Description:	Failure to make the tank seal inspection (Tank-26) notification 30 days in advance in MTBE Unit.		

  

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 6387, SC 2 OP O-02185, STC 1.A OP O-02185, STC 16		
Description:	Failure to comply with HON process wastewater provisions for two containers in MTBE Unit.		

  

**Date: 06/26/2006 (464019)**

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.7(a)[G]		
Rqmt Prov:	PERMIT 00391-000		
Description:	Failure to document the sample collection time and the identify of the sample personnel for the Outfall 001 24 hour composite samples.		

  

**Date: 07/28/2006 (484749)**

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT No. 22779, Special Condition No. 1		
Description:	Equistar failed to prevent this emissions event		

**Date:** 08/15/2006 (489890)

**Self Report?** NO

**Classification:** Minor

**Citation:** 30 TAC Chapter 335, SubChapter A 335.6(c)

**Description:** Failure to update Notice of Registration

**Date:** 08/16/2006, (457265)

**Self Report?** NO

**Classification:** Moderate

**Citation:** 30 TAC Chapter 115, SubChapter C 115.212(a)(1)[G]  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.135(e)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)  
5C THC Chapter 382, SubChapter D 382.085(b)

**Description:** Failure to control emissions from drum D3075 and from tank TK20.

**Self Report?** NO

**Classification:** Moderate

**Citation:** 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

**Rqmt Prov:** PERMIT 2128, SC 10E

OP O-02184, ST&C 18

OP O-02184, ST&C 1A

**Description:** Failure to cap or plug 174 open ended lines in VOC service.

**Self Report?** NO

**Classification:** Moderate

**Citation:** 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(i)  
5C THC Chapter 382, SubChapter D 382.085(b)

**Description:** Failure to have a Startup/Shutdown/Malfunction plan to address visible emissions from east plant flare.

**Self Report?** NO

**Classification:** Moderate

**Citation:** 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)  
5C THC Chapter 382, SubChapter D 382.085(b)

**Rqmt Prov:** OP O-02184, ST&C 1A

**Description:** Failure to conduct monthly monitoring on 4 HON pumps in January 2005.

**Self Report?** NO

**Classification:** Moderate

**Citation:** 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.166(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

**Rqmt Prov:** OP O-02184, ST&C 1A

**Description:** Failure to equip a sample point with a closed loop system on reactor effluent and T1204 overhead.

**Self Report?** NO

**Classification:** Moderate

**Citation:** 30 TAC Chapter 115, SubChapter D 115.354(5)  
30 TAC Chapter 115, SubChapter H 115.782(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

**Rqmt Prov:** OP O-02184, ST&C 1H

**Description:** Failure to have identification numbers on the fugitive leak tags attached to 51 components.

**Self Report?** NO

**Classification:** Moderate

**Citation:** 30 TAC Chapter 116, SubChapter B 116.110(a)(1)  
30 TAC Chapter 122, SubChapter B 122.132(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

**Description:** Failure to authorize emissions from sampling in the tank farm.

**Self Report?** NO

**Classification:** Moderate

**Citation:** 30 TAC Chapter 115, SubChapter D 115.352(1)[G]  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

**Rqmt Prov:** PERMIT 2128, SC 10

OP O-02184, ST&C 18

OP O-02184, ST&C 1A

**Description:** Failure to include 16 pumps, 45 valves, and 292 connectors in the fugitive monitoring database.

**Self Report?** NO

**Classification:** Moderate

**Citation:** 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

**Rqmt Prov:** OP O-02184, ST&C 13

**Description:** Failure to control emissions from 3 wastewater streams (D-78, D-3055, D-03102).

**Date:** 11/30/2006 (544284)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

**Date:** 02/01/2007 (538420)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 2933 Special Condition 1

Description: Failure to prevent process water collection system back-up.

**Date:** 04/11/2007 (532608)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.132(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to include Polyols loading emissions in federal operating permit O-02179.

F. Environmental audits.

Notice of Intent Date: 02/03/2003 (33157)  
No DOV Associated

Notice of Intent Date: 07/26/2005 (453654)  
No DOV Associated

Notice of Intent Date: 10/06/2005 (434934)  
No DOV Associated

Notice of Intent Date: 11/28/2006 (534269)  
No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
EQUISTAR CHEMICALS, LP  
RN100542281

§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2007-1230-AIR-E

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Equistar Chemicals, LP ("Equistar") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Equistar presented this agreement to the Commission.

Equistar understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Equistar agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Equistar.

The Commission makes the following Findings of Fact and Conclusions of Law:

### I. FINDINGS OF FACT

1. Equistar owns and operates a chemical manufacturing plant at 8280 Sheldon Road in Channelview, Harris County, Texas (the "Plant").



2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During a record review on June 13, 2007, TCEQ staff documented unauthorized emissions. Specifically, during an April 4, 2007 emissions event 8,811 pounds ("lbs") of unauthorized 1,3-butadiene emissions were released from a rail car over a period of five minutes.
4. During a record review on July 2, 2007, TCEQ staff documented unauthorized emissions. Specifically, during a January 8, 2007 emissions event the following unauthorized emissions were released from the Olefins 2 Flex/DP Reactor R4360B over a period of 15 minutes: 1,049 lbs of butene, 1,049 lbs of propylene, and 2,099 lbs of ethylene.
5. Equistar received notices of the violations on July 23, 2007.
6. The Executive Director recognizes that on April 4, 2007 Equistar removed the scan feature from the train operations radios and communications were redesigned to provide an uninterrupted communication channel for train operations.

## II. CONCLUSIONS OF LAW

1. Equistar is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, Equistar failed to prevent unauthorized emissions during an April 4, 2007 emissions event, in violation of Air Permit No. 2128, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
3. As evidenced by Findings of Fact No. 4, Equistar failed to prevent unauthorized emissions during a January 8, 2007 emissions event, in violation of Air Permit No. 2933, Special Condition No. 1, 30 TEX. ADMIN. CODE §§ 115.722(c)(1) and 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Equistar for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Twenty Thousand Dollars (\$20,000) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Equistar has paid Ten Thousand Dollars (\$10,000) of the administrative penalty. Ten Thousand Dollars (\$10,000) shall be conditionally offset by Equistar's completion of a Supplemental Environmental Project ("SEP").





### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Equistar is assessed an administrative penalty in the amount of Twenty Thousand Dollars (\$20,000) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Equistar's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Equistar Chemicals, LP, Docket No. 2007-1230-AIR-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. Equistar shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 5 above, Ten Thousand Dollars (\$10,000) of the assessed administrative penalty shall be offset with the condition that Equistar implement the SEP defined in Attachment A, incorporated herein by reference. Equistar's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. Equistar shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, install a safety interlock on the atmospheric motor-operated valve on DP Reactor R-4360B, which will be designed to prevent the recurrence of emissions events caused by the motor-operated valve opening inadvertently; and
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."



The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon Equistar. Equistar is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If Equistar fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Equistar's failure to comply is not a violation of this Agreed Order. Equistar shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Equistar shall notify the Executive Director within seven days after Equistar becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Equistar shall be made in writing to the Executive Director. Extensions are not effective until Equistar receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Equistar if the Executive Director determines that Equistar has not complied with one or more of the terms or conditions in this Agreed Order.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
9. This Agreed Order, issued by the Commission, shall not be admissible against Equistar in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.



10. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

*John S. Sollen*  
For the Executive Director

3/7/2008  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Equistar Chemicals, LP. I am authorized to agree to the attached Agreed Order on behalf of Equistar Chemicals, LP, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Equistar Chemicals, LP waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

*Denny W. Wiseman*  
Signature

11/29/07  
Date

Denny W. Wiseman  
Name (Printed or typed)  
Authorized Representative of  
Equistar Chemicals, LP

Plant Manager  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order





**Attachment A**  
**Docket Number: 2007-1230-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Equistar Chemicals, LP</b>
<b>Payable Penalty Amount:</b>	<b>Twenty Thousand Dollars (\$20,000)</b>
<b>SEP Amount:</b>	<b>Ten Thousand Dollars (\$10,000)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Harris County Public Health and Environmental Services-Pollution Control Division's Fourier Transform Infra Red (FTIR) Project</b>
<b>Location of SEP:</b>	<b>Harris County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondent will contribute to Harris County Public Health and Environmental Services-Pollution Control Division's FTIR Project. This project includes the lease/contracting for services of air monitoring equipment, FTIR and other associated monitoring equipment, site preparation (including power and a shelter for the monitoring equipment), installation, operation and maintenance for a minimum of a two year period. Data validation management and reporting, and site closure and restoration will also be performed as a part of this project using methods approved by the TCEQ. The FTIR will analyze volatile organic compounds in ambient air. Harris County, in cooperation with the TCEQ, will establish Internet connectivity and automated data ingestion into the TCEQ LEADS system. SEP monies will fund the lease/contract for services of the FTIR and related equipment, site creation, preparation and installation of the FTIR, and the operation and maintenance of the FTIR site for a minimum of two years. SEP monies will also be used to pay for any equipment, software, and programming associated with establishing Internet connectivity and automated data ingestion.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

This SEP will provide significant and discernible environmental benefits to the Harris County area by

THE UNIVERSITY OF CHICAGO  
DEPARTMENT OF CHEMISTRY

RECEIVED JANUARY 10, 1955

TO THE DIRECTOR, UNIVERSITY OF CHICAGO

FROM: DR. J. H. GOLDSTEIN

SUBJECT: NUCLEAR MAGNETIC RESONANCE

RE: YOUR LETTER OF JANUARY 5, 1955

I have received your letter of January 5, 1955, regarding the

possibility of using the NMR spectrometer for the study of

the kinetics of the reaction of

the reaction of the

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I have also received your letter of January 6, 1955, regarding the

possibility of using the NMR spectrometer for the study of

the kinetics of the reaction of

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providing measurements of concentrations of certain air pollutants. The information obtained from this monitoring site will provide the community with more knowledge of the types and quantities of pollutants present in this industrialized area. Data obtained from the monitoring site, and made available to the public, may be used by the TCEQ, Environmental Protection Agency (EPA), scientists, local government and industry to reduce emissions, as appropriate. Because air quality is an important priority in the Harris County area, this project is focused on providing air quality data that may be used by the TCEQ, local programs, and other stakeholders to investigate and improve knowledge of any identified air quality concerns. Data from the project may be used to detect and track air emissions in near real-time to determine air pollution source locations for enforcement actions, permitting and regulatory decisions, potential future health effects studies and/or as part of a pollution program such as the Environmental Monitoring and Response System. The data also can be used by the TCEQ and the EPA to help determine if additional air quality problems that have not yet been detected exist in the Harris County area.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Mr. Chris Barry  
Harris County Pollution Control Division  
P.O. Box 6031  
Pasadena, Texas 77506

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.



The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

